

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DANIEL LAWRENCE HANSON,
Petitioner,

v.

Case No. 13-C-1145

MARC W. CLEMENTS, Warden,
Fox Lake Correctional Institution,
Respondent.

ORDER

Daniel Hanson, proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. On January 25, 2006, petitioner was convicted of operating while under the influence under Wis. Stat. § 346.63(1)(a) in Marinette County Circuit Court. He was sentenced to two years initial confinement and two years extended supervision. Before me now are petitioner's motion to proceed *in forma pauperis* and his motion to consolidate this case with another habeas petition filed by petitioner.

I will deny the motion for leave to proceed *in forma pauperis* as moot because the court received the \$5.00 filing fee on October 21, 2013. The check was initially misplaced, which is why the docket said that the fee had not been paid, but it has now been located and the docket updated accordingly.

I will also deny petitioner's motion to consolidate. Petitioner moves to consolidate this case with *Hanson v. Clements*, Case No. 13-CV-00896 (E.D. Wis.). In that case, petitioner is challenging a different conviction for operating while under the influence from 2009. Federal Rule of Civil Procedure 42(a) gives me the discretion to consolidate cases

that “involve a common question of law or fact.” There are no such questions in the cases petitioner seeks to consolidate. Petitioner’s habeas petition challenge two different convictions that are based on two different crimes that occurred on two different dates. Thus, they do not raise common questions of law or fact.

THEREFORE, IT IS HEREBY ORDERED that petitioner’s requests to proceed in forma pauperis (Docket #9, 28) are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that petitioner’s motion to file joinder (Docket #2) and motion to consolidate cases (Docket #4) are **DENIED**.

Dated at Milwaukee, Wisconsin, this 6th day of February, 2014.

s/ Lynn Adelman

LYNN ADELMAN
District Judge